

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|---------------------------------------|---|-----------------------------------|
| PATRIOT LOGISTICS, INC. |) | CASE NO.1:06CV552 |
| |) | |
| Plaintiff, |) | JUDGE CHRISTOPHER A. BOYKO |
| |) | |
| Vs. |) | |
| |) | |
| CONTEX SHIPPING (GMBH) ET AL., |) | ORDER |
| |) | |
| Defendant. |) | |

CHRISTOPHER A. BOYKO, J:

On June 29, 2007, this Court awarded fees to Defendant Contex Shipping (GmbH) (“Contex”) for Plaintiff Patriot Logistics, Inc.’s (“Patriot”) failure to timely provide discovery. The Court referred the matter to the Magistrate Judge for a Report and Recommendation on the amount of fees. On August 20, 2007, the Magistrate Judge filed her Report and Recommendation recommending an award of \$4,981.25 to Defendant and against Patriot. The Magistrate Judge further found Defendant had not provided an affidavit regarding its costs in preparing the fee motion. The Magistrate Judge determined Defendant would also be entitled to those costs as well.

This Court ACCEPTS and ADOPTS the Magistrate Judge’s Report and Recommendation and awards \$4,981.25 to Defendant to be paid by Plaintiff Patriot. In its

Objection to the Report and Recommendation, Patriot does not object to the Report, however, it does object to Contex's supplement seeking an additional \$3,357.50 for fees in researching , drafting and filing its Supplement to Attorneys' Fees Motion Consistent with Direction from Magistrate's Report and Recommendation (ECF#94). Patriot contends the \$3,357.00 sought in conjunction with the costs to research and prepare the Supplement is unreasonable and excessive because the Supplement was less than two pages, and contained no legal argument. The Court agrees and finds four hours by the primary attorney and two hours by staff are reasonable time for preparation of the Supplement and supporting materials and awards an additional \$1540.00 for costs associated with the preparation of Defendants Supplement. Therefore, the Court ACCEPTS and ADOPTS the Magistrate Judge's Report and Recommendation and awards Defendant a total of \$6521.25 for costs incurred as a result of Plaintiff's failure to timely provide discovery.

IT IS SO ORDERED.

September 20, 2007
Date

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge